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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,549	12/04/2001	Charles H. Culp	017575.0491	7208

7590 02/17/2004  
Baker Botts L.L.P.  
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EXAMINER

KIM, PAUL L

ART UNIT PAPER NUMBER

2857

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/004,549

Applicant(s)

CULP ET AL.

Examiner

Paul L Kim

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-13, 15, and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cmar.

With regard to claims 1 and 6, Cmar teaches a method for remote energy consumption of a facility comprising: receiving aggregated energy consumption data associated with the facility (abstract), receiving external variable data for the facility corresponding to the aggregated consumption data (fig. 3a, part 1a), generating facility data associated with the facility (fig. 3a, part 1b), generating disaggregated energy consumption data for the facility from the aggregated energy consumption data using the facility data and the external variable data (fig. 3b, step 5), and identifying an energy consumption system of the facility using the disaggregated energy consumption data (fig. 3f, step 19, fig. 7b, and col. 4, lines 47+).

With regard to claim 7, Cmar teaches identifying an energy consumption system for controlling an internal environment of the facility (col. 6, lines 26-31).

With regard to claims 8, 9, 21, and 22, Cmar teaches generating facility data based on aggregated energy consumption data (fig. 3a, part 1b) and facility characteristics (fig. 3a, part 1).

With regard to claims 10, 11, and 23, Cmar teaches receiving the external variable data comprises receiving environmental data corresponding to the aggregated consumption data from an environmental service (fig. 3a, part 1a).

With regard to claims 12, 24, and 25, Cmar teaches determining a modification of operating parameters of the energy consumption system using disaggregated energy consumption data (fig. 3d, step 5).

With regard to claim 13, Cmar teaches generating disaggregated consumption data by determining energy consumption for a particular time interval from the aggregated energy consumption data and identifying the system (fig. 5a and 5b).

With regard to claims 15 and 20, Cmar teaches a system for remote energy consumption of a facility comprising: a processor and memory (col. 7, lines 25-28), databases (figs. 1a, 1b, and 1c), and an analysis engine residing in the memory able to generate aggregated energy consumption data associated with the facility (abstract), external variable data for the facility corresponding to the aggregated consumption data (fig. 3a, part 1a), facility data associated with the facility (fig. 3a, part 1b), disaggregated energy consumption data for the facility from the aggregated energy consumption data using the facility data and the external variable data (fig. 3b, step 5), and identifying an energy consumption system of the facility using the disaggregated energy consumption data (fig. 3f, step 19, fig. 7b, and col. 4, lines 47+).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cmar in view of Zaloom.

With regard to claims 2-4 and 16-18, Cmar does not specify identifying missing data and reconstructing missing data by using a comparable facility. Cmar teaches creating energy data from a facility under test. Zaloom teaches an energy analysis system for a facility that identifies and retrieves consumption data from a comparable facility and reconstructs missing data from the comparable facility (col. 18, lines 16-25 & 47-54). Since Cmar and Zaloom are both within the art of analyzing energy consumption of a facility, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Cmar so that data can be reconstructed from a comparable facility, as taught by Zaloom, in order to increase versatility of the analysis system through a wide range of analyzing tools.

With regard to claims 5, 14, and 19, Cmar does not specify accessing an energy consumption database of an energy supplier and evaluating the data to generate disaggregated energy consumption data corresponding to the facility. Zaloom teaches accessing an energy consumption database of a supplier that accesses and evaluates energy consumption data to generate disaggregated energy data corresponding to a facility (figs. 2a & 2b). Since Cmar and Zaloom are both within the art of analyzing

energy consumption of a facility, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Cmar, so that data energy data from a supplier can be accessed, as taught by Zaloom, so as to derive the benefit of added conveniences by examining a report for energy analysis.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Afshari teaches a method for forecasting energy usage loads for a facility. Crooks et al and Barrett et al both teach a system for monitoring energy consumption characteristics of a facility.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

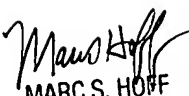
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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Art Unit: 2857

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PK  
January 15, 2004

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800